

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

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_____AD3d_____

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
PETER B. SKELOS, JJ.

2001-02514

DECISION & ORDER

The People, etc., respondent,
v Gabriel Wheeler, appellant.

(Ind. No. 1576/99)

Gabriel Wheeler, Orisville, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano,
Sharon Y. Brodt, and William H. Branigan of counsel), for respondent.

Application by the appellant for a writ of error coram nobis to vacate, on the ground of ineffective assistance of appellate counsel, a decision and order of this Court dated November 24, 2003 (*People v Wheeler*, 1 AD3d 622), affirming a judgment of the Supreme Court, Queens County, rendered February 27, 2001.

ORDERED that the application is denied.

The appellant has failed to establish that he was denied the effective assistance of appellate counsel (*see Jones v Barnes*, 463 US 745; *People v Stultz*, 2 NY3d 277).

PRUDENTI, P.J., MASTRO, RIVERA and SKELOS, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court

November 30, 2010

PEOPLE v WHEELER, GABRIEL